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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,857	12/05/2001	Frank Y. Chang	08-890941us	4837

7590

11/17/2004

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EXAMINER

WANG, QUAN ZHEN

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,857

Applicant(s)

CHANG ET AL.

Examiner

Quan-Zhen Wang

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (U.S. Patent Application Publication US 2002/0196490 A1).

Regarding claims 1 and 5, Smith teaches a photonic cell (fig. 1) comprising: a base node (fig. 1, 11 in the state of IN) and a plurality of member nodes, for example, the nodes located in states of IL, IA, AL, WV, MI, and OH in fig. 1, each member node is within optical reach from the base node (paragraph 0031).

Regarding claim 2, Smith further teaches the base node (fig. 1, 11 in the state of IN) is within optical reach from at least one of the member nodes (fig. 1, 11 in the state of IA; paragraph 0032).

Regarding claim 3, Smith further teaches the base node (fig. 1, 11 in the state of IN) is within optical reach from plurality of member nodes, for example, the nodes located in states of IL, IA, AL, WV, MI, and OH in fig. 1 (paragraph 0032).

Art Unit: 2633

Regarding claim 4, Smith further teaches each of the plurality of member nodes is with DWDM optics (paragraph 0033, lines 1-6), therefore each of the member nodes is a base node for its own photonic cell.

Regarding claim 6, Smith further teaches a first photonic cell comprising a base node (fig. 1, 11 in IN) and a plurality of member nodes (fig. 1, 11s in IL, IA, AL, WV, MI, and OH); a second photonic cell comprising a base node (fig. 1, 11 in TX) and a plurality of member nodes (fig. 1, 11s in MS, AL, IA, NE, and AZ); a third photonic cell comprising a base node (fig. 1, 11 in FL) and a plurality of member nodes (fig. 1, 11s in GA, and AL). The first photonic cell overlaps with the second and third photonic cells at the node located in AL.

Regarding claims 7-8, Smith further teaches each node in an overlap between two photonic cells includes optical regeneration and the regeneration includes o/e/o conversion (paragraph 0050).

Regarding claim 9, Smith further teaches the optical regeneration includes wavelength conversion (paragraph 0038).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Acampora et al. (U.S. Patent US 5,530,575) disclose a systems and methods for employing a recursive mesh network for applications in local, wide area, and national fiber optic telecommunications.

Art Unit: 2633

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quan-Zhen Wang whose telephone number is (571) 272-3114. The examiner can normally be reached on 8:30 AM - 5:00 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qzw

M. R. Sedighian
M. R. SEDIGHIAN
PRIMARY EXAMINER